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Attorneys for Defendant
GLEN EDWARD GARNER

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No.: 2:18-cr-00317-JAD-VCF
)	
v.)	
)	
GLEN EDWARD GARNER,)	
)	
Defendant.)	

**STIPULATION AND ORDER TO CONTINUE DEADLINE FOR FILING OF
PRETRIAL MOTIONS AND RELATED DATES
(Nineteenth Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between Defendant GLEN EDWARD GARNER, by and through his attorney (Richard J. Pocker, Esq. of the law firm of Boies Schiller Flexner LLP), and the Plaintiff UNITED STATES OF AMERICA (hereinafter, “the Government”), by and through its attorney (Assistant United States Attorney Joshua Brister), that the deadline for the filing of pretrial motions be extended to July 9, 2021, and the due date for any responses to pretrial motions be extended to July 23, 2021.

This Stipulation is entered into for the following reasons:

1. The present case is currently set for trial on September 14, 2021. The date by which pretrial motions are to be filed is June 30, 2021.

1 2. As set forth in great detail in earlier filings and stipulations, the discovery period
2 in the present case has been different than in ordinary criminal cases, in that motions practice
3 has resulted in a more voluminous production of evidence and documents by the Government.
4 Moreover, the vast majority of the produced materials were disclosed after the commencement
5 of the COVID-19 public health crisis, including hours of recorded conversations gathered
6 through a Title III wiretap.

7 3. Defendant GARNER has recently been present in counsel's office to review the
8 extensive recordings provided by the Government, including the hours of recorded telephone
9 calls including pertinent intercepted Title III recordings and other recordings associated with
10 controlled buys in this case. Defendant GARNER has reviewed most of those materials and
11 recordings but slightly more time to review and consider the materials is necessary. Defendant
12 GARNER and his counsel need additional time to meet with respect to the preparation of
13 motions. Consequently, Defendant GARNER requests this extension of the motions deadline
14 to July 9, 2021.

15 4. Of greater significance to the timing of anticipated filings and proceedings in the
16 present case is the Government's recent filing on June 3, 2021. The Government's First
17 Motion to Revoke Pretrial Release seeks to return Defendant GARNER to pretrial detention,
18 citing allegations that he has committed violations of federal law and also run afoul of the terms
19 of a Protective Order entered by the Court in August of 2019. Defendant GARNER and his
20 counsel have been involved in preparing his Response to that Motion, filed on June 17, 2021.
21 They must also prepare for the July 26th hearing on the Government's Motion.

22 5. Recent developments notwithstanding, Defendant GARNER, his counsel and his
23 expert, Michael Levine, have been engaged in analyzing evidence and preparing to file
24 necessary pretrial motions. Counsel for Defendant GARNER requests additional time to
25 review and analyze the discovery materials provided by the Government, and to finalize
26 arrangements to further meet and strategize with Defendant GARNER. Given the necessity of
27 preparing and assembling such motions in a situation where face to face meetings between
28 client and counsel were, until recently inadvisable given the COVID-19 pandemic, and when

1 the continuation of Defendant GARNER's pretrial release is an issue before the Court, a short
2 additional extension of deadlines related to pretrial motions is necessary. Such an extension
3 will have no effect on the September 14, 2021 trial setting. The parties hereby agree that, at
4 Defendant GARNER's request, the due date for pretrial motions should be extended to July 9,
5 2021, and that the deadline for responding to these motions be extended to July 23, 2021.

6 6. Counsel for the Government does not oppose the Defendant's request for a
7 continuance of the due date for pretrial motions. Counsel for Defendant GARNER is also in
8 agreement that, should the Government require additional time to respond to such motions, the
9 defense will stipulate to such an extension. Moreover, the anticipated meet and confer process
10 with respect to the contemplated motions (scheduled for next week) may be far more effective
11 in whittling down the issues between the parties with the requested extension granted.

12 7. Defendant GARNER is free on pretrial release pending trial, and has no
13 objection to the requested continuance, as it will enhance the thoroughness of his trial
14 preparation. He is insistent on receiving and reviewing as much helpful and useful evidence as
15 possible in response to his earlier motions, and to having his pretrial motions as comprehensive
16 as possible.

17 8. Denial of this request for continuance will result in a miscarriage of justice,
18 given the necessity of further informed preparation by Defendant GARNER and his counsel.

19 9. The extension of deadlines contemplated by this Stipulation does not impact the
20 currently scheduled trial date of September 14, 2021. Nonetheless, the additional time
21 requested by this Stipulation is excludable in computing the time in which the trial herein must
22 commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section
23 3161(h)(7)(A), when considering the factors under Title 18, United States Code, Sections
24 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

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10. This is the nineteenth request for an extension of the date by which motions must be filed, although most of those earlier requests were in conjunction with stipulations to continue the trial date during the COVID-19 pandemic.

DATED this 25th day of June, 2021.

BOIES SCHILLER FLEXNER LLP

CHRISTOPHER CHIOU
Acting United States Attorney

By: /s/ Richard J. Pocker
 RICHARD J. POCKER, ESQ.
 Counsel for Glen Edward Garner

By: /s/ Joshua Brister
JOSHUA BRISTER
 Assistant United States Attorney

ORDER

Based on the pending Stipulation of counsel, and good cause appearing,

IT IS FURTHER ORDERED that all additional Pretrial Motions are due on or before July 9, 2021 and Responses thereto are due on July 23, 2021. Replies due on or before July 30, 2021.

DATED this 25th day of June, 2021.

Cam Fletcher

UNITED STATES MAGISTRATE JUDGE